



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

MAIN PHONE: 602-542-4331
FACSIMILE: 602-542-7601

April 24, 2006

The Honorable Ken Bennett
President
Arizona State Senate
1700 West Washington Street
Senate Office Building
Phoenix, Arizona 85007

Re: Senate Bill 1370: wrongful termination; cause of action

Dear President Bennett:

Today I vetoed Senate Bill 1370, related to the statute of limitations for wrongful termination actions.

Senate Bill 1370 sought to amend the Employment Protection Act of 1996 by requiring actions for wrongful termination or breach of an employment contract to be brought within one year of the date the employer informs the employee of the termination. However, employees who are wrongfully terminated often do not discover facts that demonstrate the wrongful nature of their termination until several weeks or months after their termination. The general rule in Arizona is that tort actions typically do not begin to accrue until the plaintiff discovers (or should discover through the exercise of reasonable diligence) the wrongful nature of the defendant's action. See *Taylor v. State Farm Mut. Auto. Ins. Co.*, 185 Ariz. 174, 177, 913 P.2d 1092, 1095 (Ariz. 1996). Employment termination law should be no different, and wrongfully terminated workers should be entitled to a one-year statute of limitations following the date they discovered (or reasonably should have discovered) the wrongful act.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Janet Napolitano", is written over a horizontal line.

Janet Napolitano
Governor

JN:TN/jm

cc: The Honorable Jim Weiers
The Honorable Dean Martin

Passed the House April 17, 20 06,

by the following vote: 34 Ayes,

21 Nays, 5 Not Voting



Speaker of the House


Chief Clerk of the House

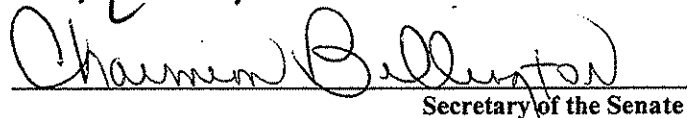
Passed the Senate March 14, 20 06,

by the following vote: 19 Ayes,

10 Nays, 0 Not Voting



President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

18th day of April, 20 06

at 2:51 o'clock P. M.


Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

VETO

Governor of Arizona

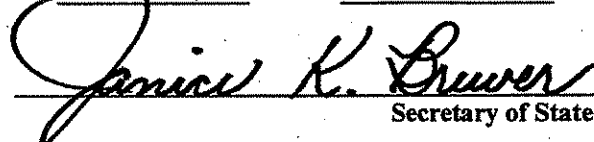
S.B. 1370

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 24 day of April, 20 06,

at 1:02 o'clock P. M.


Secretary of State